

City of Muskegon

Appeal of Vacant Building Registration Fee

Please see Instructions on the reverse side of this form.

I am appealing the vacant status _____ (\$50 fee required) **Explain below**

I am requesting a Fee Waiver or Moratorium _____ (no fee)* **Check reason below and further explain**

Invoice Number _____ Fee Amount _____

Invoice Date _____ Date building became vacant _____

Address of Vacant Building _____

Owner Name _____

Owner Address _____

Owner City _____ State _____ Zip _____

Phone Number _____

Reason for Appeal (See reverse side for Ordinance Appeal Language)
(Attach additional pages if needed and supporting documents as required)

- ☐ ***Actively Marketing – 1 year waiver requested**
- ☐ ***Actively Rehabbing – 1 year waiver requested**
- ☐ ***Medical Care – 2 year waiver requested**
- ☐ ***Non-Profit – 2 year waiver requested**
- ☐ ***Fee Moratorium request for 2010 (To see if you meet the required criteria, please download or pick up the FAQ sheet for this appeal before filing)**

(Please see reverse side for mailing address and instructions)

THE APPEAL BOARD WILL ONLY HEAR CASES FOR THE FOLLOWING REASONS:

- 1. Where the vacant status of a building is in dispute**
- 2. A request for a one-time waiver of the fee due where the applicant feels they have met the requirements of the ordinance for such a waiver (see ordinance language below).**
- 3. A request from a non-profit organization for a two year waiver. The requirements of ordinance subsection (b)(5) (see below) have to be met for granting of such waiver.**
- 4. A request for a two year renewable waiver due to owner(s) being in a medical care facility**

The board will not hear appeals based on an individual's ability to pay the fee.

STEPS FOR AN APPEAL

- 1. Completion of the Appeal for Vacant Building Registration Fees form. The form must be completed and returned to: *City of Muskegon, Planning Department, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536 or faxed to 231-724-6790.***
- 2. Payment of the \$50.00 nonrefundable fee (if applicable) must be made at the time of filing the appeal and accompany this application or the appeal will not be processed.**
- 3. The submitted appeal materials will be reviewed by staff to see if a fee waiver can be issued without a formal appeal hearing. You **must** provide copies of any pertinent documents you may have for your appeal. Examples are a listing agreement with a realtor, if the property is for sale or copies of permits if the home is being remodeled and that is the reason for your appeal. You may request to appear at a formal appeal hearing if you do not agree with the staff review (\$50.00 fee required at this time).**
- 4. If a formal hearing is required, the appellant will be advised of the date, time and place of the hearing. The appellant may be present at the hearing or send someone to represent them.**
- 5. Appeals will be heard within 90 days of the filing of the appeal.**

The Ordinance Appeal Language

- (4) Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to a committee appointed by the city manager, upon filing an application in writing with the applicable \$50.00 non-refundable filing fee to the city manager's office no later than 30 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy.*
- (5) One time waiver of registration fee. A one-time waiver of the registration fee may be granted by the committee appointed by the city manager upon application of the owner, if all taxes & fees, such as, but not limited to, property taxes, mowing charges, past vacant building registration fees, landlord registrations, business registrations, utilities and any other applicable charges have been paid prior to application for the waiver. If the owner:*
- (i.) Demonstrate with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and*
 - (ii.) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or*
 - (iii.) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.*
- (6) Two-year waiver.*
- (i) Upon application by the owner and satisfaction of subsection (b)(5) above, the committee appointed by the city manager may grant a two-year waiver of the registration fee if the owner meets the criteria for non-profit organizations as defined by section 501(c)(3) of the Internal Revenue Code or*
 - (ii) Upon application by the homeowner(s) who are temporarily residing in a medical care facility, or a legal representative of the homeowner(s), the committee may grant a renewable two-year waiver of the registration fee. To be eligible for a two-year waiver of fee, satisfactory proof that the structure will only be temporarily vacant and the property and structures must remain in good repair and free of any enforcement actions by city departments. Should the structure or property not be properly maintained, or be in violation of city code, the waiver may be revoked by the appeal committee.*

Any questions regarding this process should be directed to the Planning Dept. at 231-724-6702.

Additional information regarding waivers, fee moratoriums and forms are available online at this web address: <http://www.muskegon-mi.gov/departments/planning/planning-form>